

intellectuelle  
du Canada

Intellectual Property  
Office

Un organisme  
d'Industrie Canada  
www.opic.gc.ca

An Agency of  
Industry Canada  
www.cipo.gc.ca

**OSLER, HOSKIN & HARCOURT LLP**  
1500 - 50 O'Connor Street  
OTTAWA Ontario  
K1P 6L2

RECEIVED

DEC 09 2004

OSLER, HOSKIN &  
HARCOURT

December 3, 2004

ENTERED  
C ac



Application No. : **2,283,065**  
Owner : **PANASONIC COMMUNICATIONS CO., LTD.**  
Title : **IMAGE COMMUNICATION APPARATUS, SERVER  
APPARATUS, AND CAPABILITY EXCHANGING METHOD**  
Classification : **H04N-1/327**  
Your File No. : **13834**  
Examiner : **Gilbert Jean**

**YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE  
WITH SUBSECTION 30(2) OF THE PATENT RULES. IN ORDER TO AVOID ABANDONMENT  
UNDER PARAGRAPH 73(1)(A) OF THE PATENT ACT, A WRITTEN REPLY MUST BE  
RECEIVED WITHIN SIX MONTHS AFTER THE ABOVE DATE.**

This application has been examined taking into account applicant's correspondence received in  
this office on December 3, 2003.

The number of claims in this application is 11.

The search of the prior art has revealed the following:

**References applied**

**PCT Patent**

97,10668

Mar. 20, 1997

H04N 1/00

*Kulakowski*

**European Patent Office Patent**

898,410 □

Feb. 24, 1999

H04N 1/00

*Masda*

□ citation stemming from a foreign search report

Canada

OPIC  CIPO

2,283,065

- 2 -

*Kulakowski* discloses a device and a method for transmitting or receiving faxes. The device converts the fax data into a suitable email format, with a header that indicates the email address of the intended recipient and an image attachment representing the fax image.

*Maeda* discloses an image communication system that includes some electronic-mail apparatuses each having a function to add image-file processing information to an image file attached to an electronic mail.

The cited references disclose the characteristics of the claimed apparatus as set forth in the claims: An image communication apparatus that stores destination information in association with capability information which comprises a first capability information obtaining means for transmitting destination information and for obtaining capability information in association with the destination information and a second capability information obtaining means for obtaining the capability information when the capability information is not obtained. *Kulakowski* discloses a device for transmitting or receiving faxes where a processor creates an email message and attaches the fax images as email attachments. The processor extract attachment data stored in an attachment memory and controls the transmission of extracted attachment data to a facsimile machine (page 26, line 21). *Maeda* discloses a transmitting electronic mail apparatus which encodes a read image and converts the coded image as an image file. A destination capability processor (10 of fig. 1) judges the destination capability information on the capability of a destination apparatus received by E-mail and process the information.

Claims 1, 9 and 11 recites an image communication apparatus where the capability information is obtained in association with the destination information. *Maeda* discloses a system where the capability of a destination apparatus is received by E-mail (column 3, line 41). *Kulakowski* sends fax information in an email format. In this case, the content of the image-file processing information and the terminology used to designate the latter do not give distinguishable features to the invention. The content of the image information data (capability information) may vary with the needs of the network, but the method of sending on a server the data image information related to the terminal characteristics is well known in the art of the image communication system.

Therefore, claims 1, 9 and 11 are found to be obvious to someone skilled in the art.

Claims 2 to 8 and 10 do not add any new inventive characteristics to claims 1, 9 and 11. Therefore, claims 2 to 8 and 10 are also obvious.

2,283,065

- 3 -

Claims 1 to 11 do not comply with Section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to *Kulakowski* or *Maeda*

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it overcomes each of the above objections.

Gilbert Jean  
Patent Examiner  
(819) 934-5148